

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Coach, Inc. and Coach Services, Inc.,

Plaintiffs,

v.

Case No. 10-11710

Da Hook Up,

Honorable Sean F. Cox

Defendant.

/

**ORDER DENYING PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT
WITHOUT PREJUDICE**

Plaintiffs filed this action on April 27, 2010. On December 2, 2010, Plaintiffs filed the instant motion seeking entry of a default judgment against Defendant. (Docket Entry No. 10).

“An entry of default and an entry of default judgment are two separate events or steps. The first step is the entry of default when it is shown, by affidavit or otherwise, that a defending party on a claim has failed to plead or otherwise defend. The second step is the entry of default judgment.” 46 Am. Jur. 2d *Judgments* § 233. The custom and practice in this Court is that a clerk’s entry of a default is a prerequisite to obtaining a default judgment from the district court.

See e.g., Dahill Management, LLC v. Moore, 2009 WL 1664559 (E.D. Mich. 2009) (Wherein Chief Judge Gerald Rosen explained that “[t]his Court requires that the Plaintiff first obtain a clerks’s entry of default” before seeking a default judgment from the district court.).

The docket reflects that Plaintiffs have not yet sought or obtained a clerk’s entry of default as to Defendants. Accordingly, IT IS ORDERED that Plaintiffs’ Motion for Default Judgment IS DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the motion hearing previously set for February 24,

2011 at 4:00 p.m. is ADJOURNED.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: December 28, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 28, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager